

Message Text

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TO AMEMBASSY WARSAW

C O N F I D E N T I A L STATE 189054

BRADSHAW FROM ANDREWS

E.O. 11652: GDS

TAGS: OGEN

SUBJECT: OFFICIAL-INFORMAL

1. AS YOU KNOW, WE HAVE BEEN STRUGGLING OVER A VARIETY OF
CONSULAR PROBLEMS WITH THE POLES AND THEREFORE READ WITH
GREAT INTEREST WARSAW 5516 CONCERNING THE AMBASSADOR'S
MEETING WITH DOBROSIELSKI. I THINK WE HAVE NO FUNDAMENTAL
DIFFERENCES OF VIEW ON OUR HANDLING OF CONSULAR AFFAIRS,
BUT THERE IS ONE POSSIBLE PROBLEM. LET ME FIRST SAY THAT I
HAD TWO REACTIONS TO PARAGRAPH 8 OF WARSAW 5516: (1)
WHETHER THE PASSPORT OFFICE'S HANDOUT TO PEOPLE BORN IN
EASTERN EUROPE WHO APPLY FOR US PASSPORTS CONVEYED AN
ADEQUATE WARNING CONCERNING ACCEPTANCE OF POLISH CONSULAR
PASSPORTS; AND (2) WAS THERE SOMETHING FURTHER THAT WE/YOU
COULD AND SHOULD DO TO URGE THE POLES TO EXPEDITE THEIR
PROCEDURES ON RENUNCIATION OF POLISH CITIZENSHIP.
2. THE POSSIBLE PROBLEM, WHICH JACK SEYMOUR IDENTIFIED,
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2. THE POSSIBLE PROBLEM, WHICH JACK SEYMOUR IDENTIFIED,
IS WITH THE SENTENCE BEGINNING "WHEN TRAVELING ON A CONSULAR
PASSPORT THEY WERE NOT COVERED UNDER THE 1972 US-POLISH CON-
SULAR CONVENTION." WE ASKED SHAMWELL FROM L/M TO COMMENT
ON THIS POINT, I.E. WHETHER A DUAL NATIONAL LOSES THE RIGHT
TO BE PROTECTED BY THE US BECAUSE HE ACCEPTS A POLISH
CONSULAR PASSPORT. SHAMWELL'S VIEW IS THAT THE STATEMENT

IS ACCURATE FROM A PRACTICAL POINT OF VIEW BUT THAT THE US SHOULD AVOID MAKING A FORMAL ADMISSION OF THE FACT. SHAMWELL ARGUES THAT THERE IS NO RULE OF INTERNATIONAL LAW WHICH REQUIRES ONE GOVERNMENT TO ALLOW ANOTHER TO PROVIDE CONSULAR PROTECTION TO PERSONS WHICH IT CONSIDERS TO BE ITS OWN NATIONALS. THEREFORE THE USG HAS NO BASIS FOR INSISTING AS A MATTER OF LAW ON THIS RIGHT. HOWEVER NEITHER THE USG NOR ANY OTHER GOVERNMENT NEEDS TO (OR SHOULD EVER FIND IT NECESSARY TO) ADMIT THAT ONE OF ITS CITIZENS WAS NOT ENTITLED TO, OR HAD WAIVED, ITS CONSULAR PROTECTION.

3. THE POSSIBLE PROBLEM IS WHETHER WE SHOULD DO SOMETHING ABOUT IT AND, IF SO, HOW. AS WE SEE IT, WE BELIEVE WE SHOULD CLARIFY THE RECORD, SO AS TO CONVEY THE MEANING TO THE POLISH AUTHORITIES THAT, ALTHOUGH PERSONS WHO ACCEPT POLISH CONSULAR PASSPORTS MIGHT NOT APPEAR TO BE COVERED UNDER THE CONSULAR CONVENTION AND HENCE MIGHT NOT APPEAR TO BE AUTOMATICALLY ENTITLED TO BENEFIT FROM US CONSULAR SERVICES LIKE OTHER US CITIZENS, NEVERTHELESS WE FEEL A PROFOUND OBLIGATION TO CONTINUE TO OFFER THEM SERVICES ON THE ASSUMPTION OR SUPPOSITION THAT THEY ACCEPTED POLISH CONSULAR PASSPORTS UNWITTINGLY.

4. I WONDER IF YOU HAVE ANY THOUGHTS IN THIS REGARD. CHRISTOPHER

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